

**MINUTES OF
FAUQUIER COUNTY BOARD OF ZONING APPEALS**

August 3, 2000

The Fauquier County Board of Zoning Appeals held its regularly scheduled meeting on Thursday, August 3, 2000, at 2:00 P.M. in the Meeting Room of the Warren Green Building, 10 Hotel Street, Warrenton, Virginia. Members present were Mr. William Rider, Chairman; Mr. William Barr, Vice Chairman; Mrs. Peg Mailler, Mr. Eugene Lofdahl, Mr. John Meadows, Dr. James Branscome and Mr. James VanLuven. Also present were Mr. Paul McCulla, County Attorney; Mrs. Carolyn Bowen, Zoning Administrator; Ms. Holly Meade, Zoning Planner, and Mrs. Beverly Pullen, Office Associate.

MINUTES

The minutes of the July 6, 2000 meeting were approved as distributed with corrections.

LETTERS OF NOTIFICATIONS

PUBLIC NOTICE Mrs. Bowen stated that to the best of her knowledge, the cases before the Board of Zoning Appeals for a public hearing have been properly advertised, posted, and letters of notification sent to adjoining property owners.

**SPECIAL PERMIT #45905 ANDERSON BUILDERS, INC. AND STILLWELL
PLUMBING AND HEATING (OWNERS) AND COMMUNITY CHRISTIAN
FELLOWSHIP (APPLICANTS)**

Continued from the July meeting. Applicants wish special permit approval to locate a place of worship. The subject properties are identified as PIN# 7916-66-6137-000 and PIN# 7916-66-5391-000, contain approximately 5 acres, and are zoned Rural Agricultural, located on Vint Hill Road (State Route 215), in Scott District.

Mrs. Bowen stated that this request had been continued from last month's meeting. She reviewed the new material that had been submitted by the applicant, including elevation drawings, as well as letters of approval from the Fauquier County Health Department and from Virginia Department of Transportation.

Pastor Dick Wright was present in support of this request. Pastor Wright explained the plans for facing and roofing of the church to make the appearance more attractive. He stated that since last month's meeting he had spoken with Mr. David Blake, an adjoining property owner regarding his concerns. Pastor Wright stated that Mr. Blake's safety concerns of the children coming onto his property, and into the horse pasture could be alleviated by the church constructing a fence inside the required thirty (30') foot buffer area, as well as the planting of evergreens inside the buffer area. He also explained that the children are always under the supervision of an adult and/or their parents. He further stated that for the last ten (10) months the

congregation has been meeting at the New Baltimore Fire Department and they have not had any problems with the wandering of the children. Pastor Wright presented photos to the BZA members detailing the existing dense buffer of trees, as well the distance between Mr. Blake's dwelling and the proposed location of the church.

Mr. Rider asked Pastor Wright if the area beyond the proposed church location would be cleared, and Pastor Wright stated that it would not and that it is presently very densely wooded.

Mrs. Bowen asked Pastor Wright about planned lighting at the site and he said that at the present time he only planned to have a light on the front porch. She asked about low level lighting in the parking lot, etc., and he indicated that they might do that in the future. Mrs. Bowen indicated that the church would be required to meet the lighting ordinance.

Mr. Rider asked if anyone wished to speak regarding this request.

Mr. David Blake, an adjoining property owner spoke regarding the requirement of appropriate screening of evergreens, fencing, etc.

On the motion made by Mr. Lofdahl, and seconded by Mrs. Mailler, it was moved to grant special permit #45905, after due notice and hearing, as required by Code of Virginia §15.2-2204 and Section 5-009 of the Fauquier County Code, based upon the Board's findings:

1. The proposed use will not adversely effect the use or development of neighboring properties.
2. It is in accordance with the applicable zoning district regulations and to applicable provisions of the adopted Comprehensive Plan, and does conform to the general standards set forth in Section 5-006(1) through (9) of the Zoning Ordinance of Fauquier County, which sections are incorporated in this Motion as if fully set forth.
3. The use will be compatible with the neighborhood in which it is to be located.
4. The application does comply with the specific standards which apply to the use in question, namely:

5-602

Additional Standards for Places of Worship

Uses proposed in conjunction with places of worship shall be subject to regulations applicable to such use (e.g., schools, athletic facilities).

5. The special permit is granted subject to the following conditions, safeguards, and restrictions upon the proposed uses as are deemed necessary in the public interest to secure compliance with the provisions of this Ordinance: (Conditions including, but not limited to, those recited in Section 5-007 A-L of the Zoning Ordinance:

- (1) Site plan approval as required.
- (2) A row of evergreens shall be planted on the church side of the required thirty (30) foot buffer from the west side of the parking lot to the east side of the church building.
- (3) Any future lighting of the site shall conform with the Fauquier County Lighting Ordinance.
- (4) Screening along Vint Hill Road (State Route 215) shall comply with the Fauquier County Landscape Ordinance.
- (5) If alternate well #2 or #3 as shown on the plans is utilized, then the access to the well shall be from the interior portion of the property, and not alter the thirty (30) foot buffer area.

The motion carried unanimously.

SPECIAL PERMIT #46020 GUNTHER E. AND JOAN M. MORSE (OWNERS) AND DAVID MORSE (APPLICANT)

Applicant is requesting special permit approval for a home occupation with retail sales and services, gunsmithing. The subject property is identified PIN #7907-00-3595-000, contains 9.091 acres, zoned Rural Agricultural, located at 5400 Valley Green Drive (private) off of Georgetown Road (State Route 674), in Scott District.

Mrs. Bowen stated that a letter from the owners had been received requesting withdrawal of their application.

On a motion made by Mr. Barr, and seconded by Mr. Meadows, it was moved to accept the withdrawal request. The motion carried unanimously.

SPECIAL PERMIT #45992 CATLETT-CALVERTON-CASANOVA RURITAN CLUB, INC. (OWNERS)

Applicants wish to locate a meeting hall for their civic club, and also are requesting approval for an identification sign of up to thirty-two (32) square feet. The subject property is identified as PIN #7921-48-1866-000, contains approximately 2.02 acres, zoned Rural Agricultural, located on Catlett Road (State Route 28), in Cedar Run District.

Mrs. Bowen reviewed the staff report and stated that the site was visited earlier in the day.

Mr. Paul Maycock, President of the Catlett-Calverton-Casanova Ruritan Club, was present in support of this request. He explained that the organization is a non-profit club and 100% of their

proceeds go back into the community in the form of scholarships, ball fields, etc. He stated that this parcel had been donated to the club from Mr. David Botts. He further stated that they need special permit approval to hold fundraisers on the property, so that they can proceed with their plans to construct a meeting hall.

Mr. Rider asked Mr. Maycock if the Health Department had been contacted regarding perk testing, and he stated that they had not.

Mr. Edwin Gulick, a member of the Ruritan Club was also present in support of this request. He stated that a Soils Scientist had been hired, but that the work had not been completed.

Mr. Lofdahl asked Mr. Maycock as to how large the proposed building will be, and he stated he was not sure.

Mr. Maycock stated that they would like to put up temporary tents, and provide a parking area, in order to hold fundraisers on the property.

Mr. Rider asked Mr. McCulla if the size of the future building has to be designated in the motion.

Mr. McCulla stated the BZA could require the information regarding the specific size, if they felt necessary, or they could make a motion limiting the size of the proposed building.

Mr. Rider asked if anyone wished to speak regarding this request.

No one else spoke.

Mr. Barr asked Mr. Maycock if they were aware of Virginia Department of Transportation's intent to widen Route 28, and if they knew the impact it would have on their property.

Mr. Maycock stated he had spoken with VDOT, and the plans have not been finalized for the widening as of yet.

Mr. Rider explained to Mr. Maycock that during site plan review, VDOT may require a decel lane, as well as improvements to the entrance to the property, and Mr. Maycock stated he understood.

On the motion made by Mr. Barr, and seconded by Mr. Meadows, it was moved to grant special permit #45992, after due notice and hearing, as required by Code of Virginia §15.2-2204 and Section 5-009 of the Fauquier County Code, based upon the Board's findings:

1. The proposed use will not adversely effect the use or development of neighboring properties.
2. It is in accordance with the applicable zoning district regulations and to applicable provisions of the adopted Comprehensive Plan, and does conform to the general

standards set forth in Section 5-006(1) through (9) of the Zoning Ordinance of Fauquier County, which sections are incorporated in this Motion as if fully set forth.

3. The use will be compatible with the neighborhood in which it is to be located.
4. The application does comply with the specific standards which apply to the use in question, namely:

5-401 Standards for All Category 4 Uses

1. No off-street parking or loading spaces shall be located within any required yard or within 25 feet of any lot line in any Rural or Residential District.
 2. In all Residential and in the RR-2 District, all off-street parking and loading areas and all swimming pools and tennis courts shall be effectively screened.
 3. No Category 4 uses shall be operated on a profit-making basis, and the owner of the facility shall be a nonprofit organization or governmental agency.
5. The special permit is granted subject to the following conditions, safeguards, and restrictions upon the proposed uses as are deemed necessary in the public interest to secure compliance with the provisions of this Ordinance: (Conditions including, but not limited to, those recited in Section 5-007 A-L of the Zoning Ordinance):
- (1) Site plan approval as required.
 - (2) Approval from Virginia Department of Transportation
 - (3) Approval from Fauquier County Health Department.
 - (4) The special permit does not convey with the sale of the property.
 - (5) An identification sign of up to thirty-two (32) square feet shall be allowed.
 - (6) The meeting hall shall not exceed 5,000 square feet.

The motion carried unanimously.

SPECIAL PERMIT #46028 OUR SAVIOUR LUTHERAN CHURCH TRUSTEES (OWNERS) AND FAUQUIER COMMUNITY CHILD CARE, INC. (APPLICANT)

Applicant is requesting special permit approval to locate a teen camp for eight weeks during the months of June through August each year. The subject property is identified as PIN #6995-32-1393-000, contains approximately 4.64 acres, zoned Residential-1 (R-1), located at 6194 Dumfries Road (State Route 605), in Scott District.

Mrs. Bowen reviewed the staff report.

Mrs. Susan Sharp of Fauquier Community Child Care, Inc. was present in support of this request. She explained that the request is to operate a teen day camp, for grades 5th through 7th, Monday through Friday, during the months of June through August. She stated that the Lutheran church has donated the church space for the operation of the camp. She further stated that the camp has been in operation since June of this year, but she was unaware that special permit approval was required.

Dr. Branscome asked where the children reside and the cost.

Mrs. Sharp responded that the children are all Fauquier County residents, and that fees range from \$75 to \$107 per week.

Dr. Branscome asked how much the camp costs to attend.

Mrs. Sharp stated that the fees range from \$75 to \$107 per week.

Mr. Rider asked if anyone wished to speak.

No one else spoke.

On the motion made by Mrs. Mailler, and seconded by Mr. Barr, it was moved to grant special permit #46028, after due notice and hearing, as required by Code of Virginia §15.2-2204 and Section 5-009 of the Fauquier County Code, based upon the Board's findings:

1. The proposed use will not adversely effect the use or development of neighboring properties.
2. It is in accordance with the applicable zoning district regulations and to applicable provisions of the adopted Comprehensive Plan, and does conform to the general standards set forth in Section 5-006(1) through (9) of the Zoning Ordinance of Fauquier County, which sections are incorporated in this Motion as if fully set forth.
3. The use will be compatible with the neighborhood in which it is to be located.
4. The application does comply with the specific standards which apply to the use in question, namely:

5-804 Standards and Time Limits for Carnival, Circus, Festival, Fair, Horse Show, Dog Show, Steeplechase, Music Festival, Turkey Shoot, Sale of Christmas Trees and other Seasonal Commodities, and other Similar Activities

In addition to the general standards set forth in Section 006 above, the following standards shall apply:

1. A temporary special permit may be issued for a period not to exceed twenty-one (21) consecutive days in Residential and Rural Zoning Districts and one (1) year in Commercial and Industrial Districts.
 2. All permitted activities in a Residential or Rural Zoning District shall be sponsored by a volunteer fire company, local chamber of commerce, veterans' organization, service club, civic organization, church or religious organization, sports or hunt club, charitable, educational or nonprofit organization or recognized chapter thereof whose principal administrative offices are located within the County.
 3. Where the activity is a circus, fair or carnival, and the owner of the circus, fair or carnival is an entity other than the sponsoring organization, the sponsoring organization shall furnish the Zoning Administrator the name and address of the owner or owners of the circus, fair or carnival.
 4. The sponsoring organization shall furnish the Health Director information as to sanitary arrangements and facilities to be used by the public and employees, and the Health Director shall advise the Zoning Administrator that such arrangements and facilities will be adequate if properly used and maintained.
 5. No temporary special permit shall be issued unless adequate provision is made for off-street parking and loading requirements.
 6. In addition to the requirements of this Ordinance, a carnival, circus, sideshow, dog and pony show, trained animal show, menagerie, musical or entertainment festival, or any other show, exhibition or performance similar thereto, shall produce a County license therefore in accordance with the provisions of Chapter 3 of the Code.
 7. No such use shall be permitted except on a lot fronting on, and having direct access to, a road designated as a major collector (or higher) in the Comprehensive Plan unless the Board of Supervisors or the Board of Zoning Appeals finds that the type and amount of traffic generated by the facility is such that it will not cause an undue impact on the neighbors or adversely affect safety of road usage. In no case shall alternative frontage and access be onto less than a rural minor collector or urban local road as designated in the Comprehensive Plan.
5. The special permit is granted subject to the following conditions, safeguards, and restrictions upon the proposed uses as are deemed necessary in the public interest to secure compliance with the provisions of this Ordinance: (Conditions including, but not limited to, those recited in Section 5-007 A-L of the Zoning Ordinance):
- (1) The special permit is granted for the period of three (3) years, to be held for eight weeks during the months of June through August.

- (2) The hours of operation shall be 6:30 A.M. until 6:30 P.M., Monday through Friday.
- (3) The maximum number of campers shall be limited to fifty (50).

The motion carried unanimously.

APPEAL #46015 SMITH CATTLEGUARD CO. INC. (OWNER)

Applicant/Owner has filed an appeal of a determination regarding floodplain made by the Zoning Administrator in a letter dated June 7, 2000. The subject property is identified as PIN #7900-75-6202-000, contains approximately 12.50 acres, zoned Industrial-2 (I-2), located at 5127 Catlett Road (State Route 28), in Cedar Run District.

Mrs. Bowen read a letter from Rodney Smith, received on August 1, 2000, requesting postponement of the appeal until the September 7, 2000 meeting. She stated that she had e-mailed and faxed a response to Mr. Smith, that the Board of Zoning Appeals would have to consider his request for postponement.

Mr. Meadows stated that due to his business association with Smith-Midland, he would have to withdraw himself from this appeal case.

Mr. Rider accepted Mr. Meadows withdrawal.

Mr. Rider asked that the BZA consider this request and he felt a one month's extension would be acceptable.

On the motion made by Mr. Lofdahl, and seconded by Dr. Branscome it was moved to accept the postponement of appeal #46015 until the September 7, 2000 meeting, and that if there are those present at today's meeting that wished to speak, they would be allowed to do so.

The motion carried with a vote of 6-0 in favor, with Mr. Meadows abstaining from the vote.

Mr. Rider asked if there was anyone present that wished to speak regarding the appeal.

Mr. Robert Knupp, an adjoining property owner was present in support of the Zoning Administrator's determination. He stated that his property is directly across Route 28 and upstream from the Smith Cattleguard property. He stated that this problem has existed for many years, and that he has provided pictures showing the filling of the area within the floodplain. He explained that due to the filling of this area, water backs up onto his property and has caused damage as a result. He stated that Smith Cattleguard continues to fill in this area over and over again, and therefore flooding occurs on his property.

Mrs. Bowen asked the BZA if staff could wait until the September 7, 2000 meeting to present their material.

Mr. Rider accepted the request.

Mr. Meadows asked to rejoin the BZA, and Mr. Rider granted his request.

SPECIAL PERMIT #46023 MIRIAM R. GLAETTLI, TRUSTEE (OWNER) AND C.L. AND WILBUR RITCHIE (APPLICANTS) CEDAR LEE COMMUNITY CENTER FOR THE PERFORMING ARTS (SPONSOR)

Applicants are requesting special permit approval to hold a temporary event as a fundraiser, consisting of pick your own pumpkins and a corn maze. The subject property is identified as PIN #7807-59-7220-000, contains approximately 130.50 acres, zoned Rural Agricultural, located on Marsh Road (State Route 17), in Cedar Run District.

Mrs. Bowen reviewed the staff report and stated that the site was visited earlier in the day. She also stated that the applicants are not present today, but she is familiar with the request. She indicated that comments had been received from Virginia Department of Transportation stating that their only concern is that there be no parking along State Route 17, and that the parking be as shown on the proposed plan. She explained that the proposed event would be a fundraiser for the Cedar Lee Community Center.

Mr. Rider stated that he had no objections to the request.

On the motion made by Mr. Van Luven, and seconded by Mr. Meadows, it was moved to grant special permit #46023, after due notice and hearing, as required by Code of Virginia §15.2-2204 and Section 5-009 of the Fauquier County Code, based upon the Board's findings:

1. The proposed use will not adversely effect the use or development of neighboring properties.
2. It is in accordance with the applicable zoning district regulations and to applicable provisions of the adopted Comprehensive Plan, and does conform to the general standards set forth in Section 5-006(1) through (9) of the Zoning Ordinance of Fauquier County, which sections are incorporated in this Motion as if fully set forth.
3. The use will be compatible with the neighborhood in which it is to be located.
4. The application does comply with the specific standards which apply to the use in question, namely:

5-804 Standards and Time Limits for Carnival, Circus, Festival, Fair, Horse Show, Dog Show, Steeplechase, Music Festival, Turkey Shoot, Sale of Christmas Trees and other Seasonal Commodities, and other Similar Activities

In addition to the general standards set forth in Section 006 above, the following standards shall apply:

1. A temporary special permit may be issued for a period not to exceed twenty-one (21) consecutive days in Residential and Rural Zoning Districts and one (1) year in Commercial and Industrial Districts.
 2. All permitted activities in a Residential or Rural Zoning District shall be sponsored by a volunteer fire company, local chamber of commerce, veterans' organization, service club, civic organization, church or religious organization, sports or hunt club, charitable, educational or nonprofit organization or recognized chapter thereof whose principal administrative offices are located within the County.
 3. Where the activity is a circus, fair or carnival, and the owner of the circus, fair or carnival is an entity other than the sponsoring organization, the sponsoring organization shall furnish the Zoning Administrator the name and address of the owner or owners of the circus, fair or carnival.
 4. The sponsoring organization shall furnish the Health Director information as to sanitary arrangements and facilities to be used by the public and employees, and the Health Director shall advise the Zoning Administrator that such arrangements and facilities will be adequate if properly used and maintained.
 5. No temporary special permit shall be issued unless adequate provision is made for off-street parking and loading requirements.
 6. In addition to the requirements of this Ordinance, a carnival, circus, sideshow, dog and pony show, trained animal show, menagerie, musical or entertainment festival, or any other show, exhibition or performance similar thereto, shall produce a County license therefore in accordance with the provisions of Chapter 3 of the Code.
 7. No such use shall be permitted except on a lot fronting on, and having direct access to, a road designated as a major collector (or higher) in the Comprehensive Plan unless the Board of Supervisors or the Board of Zoning Appeals finds that the type and amount of traffic generated by the facility is such that it will not cause an undue impact on the neighbors or adversely affect safety of road usage. In no case shall alternative frontage and access be onto less than a rural minor collector or urban local road as designated in the Comprehensive Plan.
5. The special permit is granted subject to the following conditions, safeguards, and restrictions upon the proposed uses as are deemed necessary in the public interest to secure compliance with the provisions of this Ordinance: (Conditions including, but not limited to, those recited in Section 5-007 A-L of the Zoning Ordinance):
- (1) The special permit is granted for the period of August 5, 2000 through November 30, 2000.

- (2) The hours of operation shall be 10 A.M. until 6 P.M., from August 5, 2000 through October 21, 2000. The hours of operation from October 21, 2000 through November 30, 2000 shall be 10 A.M. until 9 P.M.
- (3) Off-street parking shall be designated as shown on plan.

The motion carried unanimously.

ADJOURNMENT There being no further business before the Board, the meeting adjourned at 3:20 P.M.

William Rider, Chairman

Copies of all files and materials presented to the Board are attached to and become a part of these minutes. A tape recording of the meeting is on file for one year.

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